

## NAIAD DYNAMICS - PRIVACY NOTICE (NON-EU GROUP COMPANIES)

### 1 APPLICABILITY

European data protection law has limited effect on operations outside of the European Union. For that reason, this Privacy Notice will only apply to you in strictly limited circumstances.

Those two circumstances are:

1. To the extent that:
  - a. your personal information is being processed by any of: Naiad Dynamics US, Inc.; Naiad Dynamics Asia Pacific Pty Ltd.; and/or Naiad Maritime Group, Inc. (the "**Non-EU Group Companies**"); **and**
  - b. the processing relates to the offering of goods or services to you; **and**
  - c. you are based in the EU at the time of those offers being made.
2. To the extent that:
  - a. your personal information is being processed by any of the Non-EU Group Companies; **and**
  - b. the processing is carried out in the context of those companies' EU operations. This will typically be the case where one of our EU-based group companies has been in contact with you in relation to that matter.

To the extent that your data is being processed by any of: Naiad Dynamics UK Limited; Naiad Dynamics Holland BV; and/or Naiad Dynamics France Sarl., our 'EU Group Companies' Privacy Notice will apply additionally or alternatively to that processing. Please visit the following link to view that Privacy Notice:

[http://www.naiad.com/2018.05.25\\_EU\\_Privacy\\_Notice.pdf](http://www.naiad.com/2018.05.25_EU_Privacy_Notice.pdf)

### 2 DEFINITIONS

References in this Notice to "**data protection law**" mean (as applicable) the Data Protection Act 1998, the General Data Protection Regulation (Regulation (EU) 2016/679), and all related data protection legislation from time to time having effect according to your location and the company which is carrying out the processing activities.

### 3 OUR DETAILS

The data controllers with conduct of your personal information are as follows:

1. **Naiad Dynamics US, Inc.** of 50 Parrott Drive, Shelton Connecticut 06484 USA;
2. **Naiad Dynamics Asia Pacific Pty Ltd.** c/o Allion Partners Pty Ltd., Level 9, 863 Hay Street, Perth, Western Australia 6000; and
3. **Naiad Maritime Group, Inc.** of 50 Parrott Drive, Shelton Connecticut 06484 USA,  
(collectively the "**Non-EU Group Companies**", "**we**", "**us**", "**our**").

The Data Protection Officer for the Non-EU Group Companies is Steve Colliss of Unit 3, Nelson Industrial Park, Manaton Way, Hedge End, Southampton, SO30 2JH, England; [DPO@naiad.com](mailto:DPO@naiad.com).

## 4 HOW WE USE YOUR INFORMATION

The following sections explain what information we hold about you, why we are processing that information, the legal basis for the processing, the duration for which we keep your information and (if applicable) who your information will be shared with and where those recipients are based.

### **Which information do we process and for what purpose?**

We process the following information from you:

**Information you give us.** This is information about you that you give us by filling in forms on our websites, emailing us, writing to us or speaking to us by phone or in person. The information you give us may include your name, job title, employment details, contact address, email address, phone number and, in certain circumstances, banking information.

We process information you give to us for the following purposes:

- (a) where you are a customer of ours (or an employee or representative of a customer of ours), to supply you (or your organisation) with the goods or services you have purchased from us. This includes us taking pre-contractual steps such as providing you with a cost quote or negotiating the terms of the contract between us;
- (b) where you are a customer of ours (or an employee or representative of a customer of ours), to manage your (or your organisation's) account with us, including the issuing of requests for payment;
- (c) where you are a supplier or contractor of ours (or an employee or representative of a supplier/contractor of ours), to request and obtain goods and/or services we have purchased from you (or your organisation), including taking pre-contractual steps such as obtaining a fee quote from you or negotiating the contract between us;
- (d) where you are a supplier or contractor of ours (or an employee or representative of a supplier/contractor of ours), to manage our account with you (or your organisation), including making payment for invoices;
- (e) where you are a customer or prospective customer of ours, to send you marketing communications about our products and services which we think will be of interest to you; and
- (f) in all other circumstances, to respond to your enquiry or to follow up our own enquiries.

**Information we collect about you.** Like most other website operators, we collect non-personally identifying information of the sort that web browsers and servers typically make available. This includes technical information, such as your IP address and your login information and information about your visit, such as records of how you navigate the pages on our website and how you interact with the pages.

We process information we collect about you in this way to ensure that content from our website is presented in the most effective manner for you and for your device.

For more information on how our website uses cookies, please refer to section 7 below.

**Information obtained from or provided by third parties.** This category includes where your employer or principal supplies us with your information, for example where you are the

point of contact for that organisation. If you are a sole trader or a partner within a legal partnership then we may receive your information from your employees or fellow partners. It also includes where you are the registered owner of a boat in relation to which we are offering goods or services. The information about you which we receive from third parties typically includes your name, contact details, job title and, in certain situations, bank details.

We may also receive your information from another company within Naiad Maritime Group. For example, where one of our EU companies passes your order to one of our US companies for fulfilment.

We process information we obtain from, or are provided by, third parties for the same purposes as we do for information we receive from you directly (as listed above).

### **What are the grounds for processing your information?**

We are processing your personal information on the following grounds:

- (a) if you are a customer or supplier of ours, because the processing is necessary for the performance of the contract between you and us, including the taking of pre-contractual steps;
- (b) if you are an employee or representative of a customer or supplier of ours, because we have a legitimate interest in processing your information in order to perform the contract between us and your employer or principal, including taking pre-contractual steps at their request. In accordance with data protection law, we have carefully weighed your interests and fundamental rights and freedoms against our interest to process your information in this way and are satisfied that we are justified in doing so;
- (c) in certain circumstances, the processing is necessary for us to comply with our legal or regulatory obligations;
- (d) in all other cases, the processing is necessary for achieving our legitimate interests of:
  - (i) maintaining accurate internal records of customers, suppliers, contractors, and their contacts for administrative and commercial purposes. This includes where we keep a record of potential supplier details with a view to using their services or purchasing their products in the near future and where we keep a record of past tenders we have made;
  - (ii) responding to your enquiry, whether submitted through our website, email, over the telephone, in person or otherwise; or
  - (iii) sending you marketing information about our products and services (including, where applicable, on the basis of the soft opt-in under the Privacy and Marketing Communications Regulations). You can unsubscribe from these communications at any time by following the instructions contained in the communication or by contacting us using the details in section 12 below,

and in accordance with data protection law we have carefully weighed your interests and fundamental rights and freedoms against our interest to process your

information and are satisfied that we are justified in processing your information for these purposes; and

- (e) we are otherwise processing your data on the basis of your consent. This will typically be the case where you have opted into receiving marketing communications from us.

#### **How long do we keep your data for?**

We only keep your information for so long as it is reasonably necessary. When setting our data retention periods, we consider the amount, nature, and sensitivity of the information we hold, the potential risk of harm from unauthorised use or disclosure of the information and the purposes for which we process the information (including whether we can achieve those purposes by other means). We also take into account our other legal obligations to keep or securely dispose of personal information.

If we need to keep your information for a longer period then we will notify you of the reason and grounds for doing so.

#### **Who is your information shared with?**

Your personal information is not shared with anyone except where we are required to do so to comply with the law, to protect our rights, to improve and expand our products and services or to efficiently operate our business. In order to achieve these purposes, we will share your data with the following people or groups of people:

- (a) other Companies in Naiad Maritime Group, as part of the management of our group and pursuit or fulfilment of contracts. Where the receiving company is based outside of the EU, the transfer is justified on the basis that the parties are subject to a binding agreement on standard data protection clauses approved by the European Commission;
- (b) our outsourced service providers. Our service providers may in certain circumstances require access to data held on our systems, for example when we need to troubleshoot a technical issue. All our service providers are subject to strict contractual obligations to treat your personal information with the utmost sensitivity, to keep it confidential and to comply with data protection law at all times. Where your personal information is transferred to a service provider which is not based in the EU, that transfer occurs on the basis that both parties have entered into a binding agreement on standard data protection clauses approved by the European Commission;
- (c) potential purchasers of our business, subject to those persons entering into strict confidentiality obligations with us and only to the extent permissible under data protection law; and
- (d) our professional advisers, such as our accountants and lawyers, who are subject to professional duties of confidentiality.

## **5 AUTOMATED DECISION MAKING**

We do not make automated decisions about you based on your information. If this changes in the future then we will let you know.

## 6 YOUR RIGHTS

### When these rights apply to you

To the extent that this Privacy Notice applies to the processing of your personal information (please refer to section 1 above to establish this), you have the below listed rights under data protection law.

### The rights

The rights are as follows:

- (a) if we are processing your data on the basis of your consent then you have the right to withdraw that consent at any time. Consent can be withdrawn by contacting us using the details set out in section 12 below. If you choose to withdraw your consent then please note that the lawfulness of our historic processing based on your consent will not be retrospectively affected by your withdrawal of consent;
- (b) the right to access a copy of your information which we hold. This is called a 'subject access request'. Additional details on how to exercise this right are set out in section 8, below;
- (c) the right to prevent us processing your information for direct marketing purposes. We will usually inform you (before collecting your data) if we intend to use your data for such purposes or if we intend to disclose your information to any third party for such purposes. You can exercise your right to prevent such processing by checking certain boxes on the forms we use to collect your data. You can also exercise the right at any time by contacting us using the details set out in section 12, below;
- (d) the right to object to decisions being made about you by automated means. We do not currently use automated decision making but we will let you know if this changes in the future;
- (e) the right to object to us processing your personal information in certain other situations;
- (f) the right, in certain circumstances, to have your information rectified, blocked, erased or destroyed if it is inaccurate;
- (g) the right, in certain circumstances, to claim compensation for damages caused by us breaching data protection law;
- (h) the right, in certain circumstances, to request that we erase, rectify, cease processing and/or delete your information; and
- (i) in certain circumstances, the right to request the information we hold on you in a machine-readable format so that you can transfer it to other services. This right is called 'data portability'. Additional details on how to exercise this right are set out in section 8, below.

Should you have any concerns about how we hold and process your information, you have the general right to complain to us (in the first instance) and, if you are not satisfied by our response, to your local supervisory authority.

## 7 **COOKIES**

Our websites use cookies to distinguish you from other users of our sites. This helps us to provide you with a good experience when you browse our websites and also allows us to improve our sites.

Visitors to our websites who do not wish to have cookies placed on their computers should set their browsers to refuse cookies before using our sites. Please note that some features of our websites may not function properly without the aid of cookies.

## 8 **ACCESS TO INFORMATION**

Under data protection law you can exercise your right of access by making a written request to receive copies of some of the information we hold on you. You must send us proof of your identity, or proof of authority if making the request on behalf of someone else, before we can supply the information to you. Requests should be sent to us using the contact details in section 8 below.

You do not need to pay a fee to exercise this right unless you are requesting copies of documents you already possess, in which case we may charge our reasonable administrative costs. We are, however, allowed to charge you for our reasonable administrative costs in collating and providing you with details of the requested information which we hold about you if your request is clearly unfounded or excessive. In very limited circumstances, we are also entitled to refuse to comply with your request if it is particularly onerous.

In certain circumstances, you are entitled to receive the information in a structured, commonly used and machine-readable form.

## 9 **DATA SECURITY**

We will always store your digital information on secure servers. Unfortunately, however, the transmission of information via the internet is not completely secure. Although we will do our best to protect your information, we cannot guarantee the security of your information transmitted to our websites or otherwise to our servers (such as by email). Any such transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

## 10 **THIRD PARTY SITES**

Our websites may, from time to time, contain links to and from third party websites. If you follow a link to any of these websites, please note that these sites may have their own privacy notices and that we do not accept any responsibility or liability for those notices. In particular, please check their privacy notices before you submit any personal data to those websites as they may not be on the same terms as ours.

## 11 **CHANGES TO OUR PRIVACY NOTICE**

This Notice was last updated on 25 May 2018. Our latest 'Non-EU Group Companies' Privacy Notice is available from our website at

[http://www.naiad.com/2018.05.25\\_Non-EU\\_Privacy\\_Notice.pdf](http://www.naiad.com/2018.05.25_Non-EU_Privacy_Notice.pdf)

Please check back frequently to see any updates or changes to our Privacy Notice.

## 12 **CONTACT**

Questions, comments and requests regarding this Privacy Notice are welcomed and should be addressed to The Data Protection Officer, Steve Colliss, by post to Naiad Dynamics UK Ltd, Unit 3, Nelson Industrial Park, Manaton Way, Southampton, SO30 2JH, England or by email to *DPO@naiad.com*.